

REMARKS

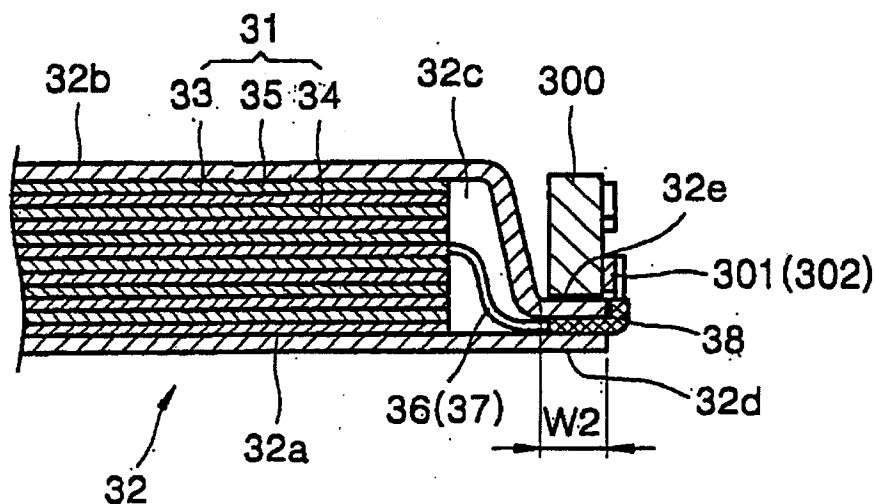
Claims 1, 8 and 19 are pending in the application. Applicants have canceled Claim 2 and amended Claim 1. Applicants have only incorporated the limitation previously recited in Claim 2 into Claim 1. Thus, Applicants have not added new matter as to further require new search or consideration. Accordingly, Applicants respectfully request entry of the above amendments and reconsideration in view of the following remarks.

Rejection Under 35 U.S.C. 112

Claims 1, 2, 8 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

Specifically, on page 3 of the Final Office Action, the Examiner asserts that there is no support in the specification or drawings for the claim features of a “sealing portion,” “wherein the sealing portion comprises an interior sealing surface and an exterior sealing surface defining an outer edge,” “the outer edge of the sealing portion,” “bent portions,” and “the vertically extending portions of the electrode tabs are positioned outwards of the outer edge of the sealing portion.”

Applicants respectfully disagree and submit that the above claimed features are supported at least in Figure 5 and paragraphs [0038] – [0044] of the specification as originally filed. For the Examiner's convenience, Figure 5 of the Application is reproduced below.



Applicants submit that the figure above and the above-referenced section of the specification clearly conveys to the skilled artisan the features of the claimed “sealing portion”

between sealing surfaces 32d and 32e. The figure above also clearly shows that the sealing portion between sealing surfaces 32d and 32e has an “interior” surface, an “exterior surface” and an “outer edge” as claimed. Moreover, the figure shows and the specification clearly teaches that the “electrode tabs 36 and 37 are perpendicular to a contact surface at which the upper and lower sealing surfaces 32d and 32e are contacted.” (See Application, paragraph [0040]). Thus, Applicants submit that the above claimed features are clearly supported in the specification and drawings as originally filed.

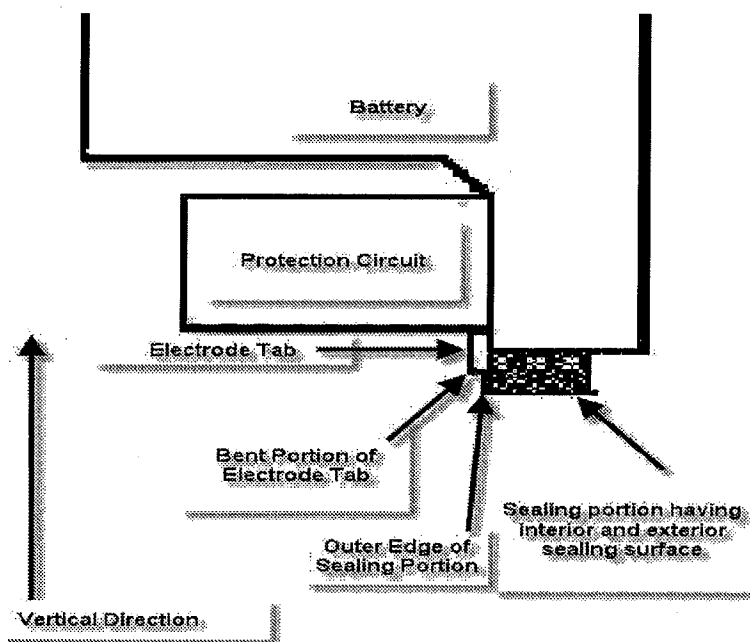
For at least the forgoing, Applicants respectfully request withdrawal of the rejection of the claims under 35 U.S.C. 112.

Rejection Under 35 U.S.C. 102

Claims 1, 2 and 19 have been rejected under 35 U.S.C. 102(b) as anticipated by KR 2002-0074550 to Jeong (hereinafter “Jeong”). Applicants respectfully traverse this rejection.

Solely to facilitate prosecution, Applicants have amended Claim 1 so that it further recites the feature “wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the sealing surface is contacted,” as previously recited in Claim 2, now canceled. Applicants submit that the cited references fail to teach or suggest at least this additional feature.

Specifically, the Examiner notes that Jeong’s battery “will function the same regardless of its orientation” and notes that Jeong’s battery rotated 90° counter clockwise discloses the features recited in Claim 1. (Final Office Action, page 6). The Examiner’s rearrangement of FIG. 4 of Jeong is reproduced below.



Applicants note that the Examiner only refers generally to FIG. 4 for disclosing an “outer wall,” wherein the “the protection circuit board is disposed between an outer wall of the case and the bent electrode tabs.” (Office Action, page 4). The Examiner appears to refer to the surface of Jeong’s battery case that is parallel to the protection circuit for disclosing the “outer wall.” However, as shown above, Applicants note that the portion of Jeong’s battery that the Examiner specifically refers to as the “electrode tab” is *not disposed parallel* to the outer wall of the battery case, but rather, disposed *perpendicular* to the outer wall of the battery case. Thus, Applicants submit that Jeong’s battery, regardless of its orientation, fails to teach or suggest at least the additional feature “wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the sealing surface is contacted,” as recited in independent Claim 1.

For at least this reason, Applicants respectfully request withdrawal of the rejection to independent Claim 1.

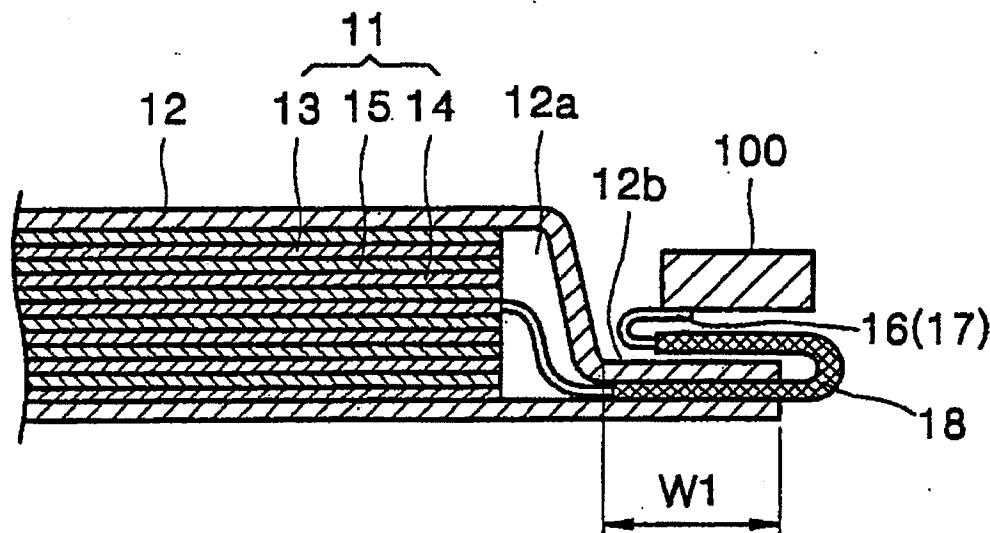
Claim 19 depends from Claim 1 and recites all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claim 19.

Rejection Under 35 U.S.C. 103

Claims 1, 2, 8 and 19 have been rejected under 35 U.S.C. 103(a) as unpatentable over Applicants' Admitted Prior Art (hereinafter "AAPA") in view of U.S. Pub. No. 2002/0039283 to Nakamura (hereinafter "Nakamura"). Applicants respectfully traverse this rejection.

As noted above, solely to facilitate prosecution, Applicants have amended Claim 1 so that it further recites the feature "wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the sealing surface is contacted," as previously recited in Claim 2, now canceled. Applicants submit that the cited references fail to teach or suggest at least this additional feature.

For the Examiner's convenience, FIG. 2 of AAPA is reproduced below.



Applicants note that the Examiner does not refer to any specific teaching in AAPA for disclosing the "outer wall" or the feature that "the electrode tabs are disposed parallel to the outer wall of the case, in an upright position," as previously recited in Claim 2, now canceled. Thus, Applicants submit that a *prima facie* case has not been established for the rejection of Claim 2, which has been incorporated into Claim 1.

Moreover, as shown above, Applicants note that electrode tabs 16 or 17 are ***not disposed parallel*** to the outer wall of the battery case and in an upright position, but rather, disposed perpendicular to the outer wall of the battery case. Thus, Applicants submit that AAPA fails to teach or suggest at least the additional feature "wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at

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which the sealing surface is contacted,” as recited in independent Claim 1. Applicants submit that Nakamura fails to cure the deficiencies of AAPA. Nakamura is only cited for allegedly disclosing the feature of electrode tabs that “are bent only once at bent portions,” as recited in Claim 1. However, Nakamura fails to teach or suggest the feature “wherein the electrode tabs are disposed parallel to the outer wall of the case, in an upright position, and are perpendicular to a contact surface at which the sealing surface is contacted,” as recited in independent Claim 1.

For at least this reason, Applicants respectfully request withdrawal of the rejection to independent Claim 1.

Claims 8 and 19 depend from Claim 1 and recites all the limitations recited in Claim 1 in addition to reciting further distinguishing features. For at least the reasons set forth above, Applicants respectfully request withdrawal of the rejection to Claims 8 and 19.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
<i>SDIYPL.386AUS</i> <i>(current application)</i>	10/791,269	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	03/03/2004

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SDIYPL.386C1	11/265,131	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/03/2005
SDIYPL.386CP1	11/280,463	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/17/2005

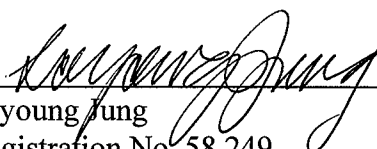
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 23, 2011

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